



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, FEBRUARY 14, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *P* *P* *P* *P* *A* *P* *P*
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
Commissioner Ray arrived at 5:25 p.m.

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF FEBRUARY 14, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Horgan, Dwyer
NOES: None
ABSENT: Ray
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS) :

A-1. GENERAL PLAN AMENDMENT NO. 05-02/ZONING TEXT AMENDMENT NO. 05-04/ZONING MAP AMENDMENT NO. 05-02 (EDINGER CORRIDOR SPECIFIC PLAN) – Rosemary Medel

Ken Ryan of EDAW gave a presentation of the proposed project and highlighted the following:

- Landscape theme
- Residential density
- Consistency with building codes
- Incorporating the new design standards with existing architecture in the area

Ken Ryan discussed the ingress/egress issue along Edinger Avenue that was of concern during a stakeholders meeting. The stakeholders were concerned that their properties would have limited access. Ryan explained that this would not occur, however, some of the points of ingress/egress could be minimized to provide better traffic flow in the future and not negatively impact their properties.

The Commission expressed concern that all public comments have not been heard and expressed the need for additional time for review of the document.

Staff advised that the public hearing is scheduled for February 28, 2006, and the Planning Commission could continue the public hearing to March 14, 2006.

Discussion ensued regarding the possible change to the current public hearing date of February 28, 2006. It was then decided to keep the date of public hearing as scheduled.

Scandura reinforced tying the project's design in with Bella Terra. He also suggested the review of potential traffic issues; the installation of solar power panels; planting of native plants and proper loading dock and parking garage design near residential areas.

Dwyer advised that he thought the overall objective was good, but that some of the property owners suggested more incentives for development of their property. He also mentioned that the boundaries of the redevelopment plan do not coincide with the proposed specific plan.

Burnett agreed with Dwyer and asked about procedures to make changes to the plan. Staff gave directions.

B. STUDY SESSION ITEMS

B-1. CODE OF ETHICS – Chair Dingwall

Chair Dingwall asked the Commissioners to complete the Code of Ethics acknowledgement form and return to staff. The Commissioners complied.

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Herb Fauland

Fauland advised that no late communications had been received regarding Item B-1, Conditional Use Permit No. 05-15/Negative Declaration No.05-01 (24-Hour Fitness).

D. PLANNING COMMISSION COMMITTEE REPORTS:

John Scandura reported on the Quarterly School District meeting with City Council members held on January 27th. They discussed the Huntington Beach Union High School Strategic Plan, growing population, high housing costs and how these impact the community and education efforts.

Elizabeth Burnett advised she attended the Environmental Board meeting which discussed the oil well abandonment process.

Devin Dwyer advised he sent staff three discussion items regarding the pending Planning Commission workshop.

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting):

Dick Harlow, business owner, spoke regarding Study Session Item No. A-1 (Edinger Corridor Specific Plan). Harlow feels the project should not be rushed and suggested going back over the plan to review how it may affect business owners. He suggested additional workshops for owners of all properties in the specific plan area in order to give the property owners and developers a clear vision of the project.

Mike Adams, representing several business owners, spoke regarding Study Session Item No. A-1 (Edinger Corridor Specific Plan). Mr. Adams stated that the plan should create a vision of the city and what property owners would like to achieve for the area. The document should have increased floor area ratios (F. A. R.) and create more incentives for property owners.

Steve Dodge, Huntington Executive Park, spoke regarding Study Session Item No. A-1 (Edinger Corridor Specific Plan). Mr. Dodge explained that their property is both zoned and general planned commercial and that the plan falls short of their immediate and future needs. He feels the plan should call for more density and be more like Bella Terra. He stated that more money should be spent to make the gateway area spectacular.

Gary Weber, representative for the Freeway Industrial Park, spoke regarding Study Session Item No. A-1 (Edinger Corridor Specific Plan). Mr. Weber advised he echoed the other speakers.

F. PLANNING COMMISSION COMMENTS:

Commissioner Ray asked if going back and reviewing the entire Specific Plan was an option.

Staff advised the City Council could be informed that the Specific Plan has been reviewed by the Planning Commission and that major revisions are recommended or reject the plan entirely.

Commissioner Dwyer suggested not denying the proposed Specific Plan but amending the plan with suggestions for consideration by the City Council.

Staff recommended that the Planning Commission could recommend approval to the City Council but go back and revisit select components of the plan.

6:30 P.M. – RECESS FOR DINNER

7:10 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Chair Dingwall

ROLL CALL: *P P P P P P P*
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA, TO APPROVE THE PLANNING COMMISSION AGENDA OF FEBRUARY 14, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

Commissioner Dwyer reported on the passing of Mr. Jim Pelot

A. ORAL COMMUNICATIONS: NONE

B. PUBLIC HEARING ITEMS

PROCEDURE: Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

B-1. CONDITIONAL USE PERMIT NO. 05-15/NEGATIVE DECLARATION NO. 05-01 (24-HOUR FITNESS): **Applicant:** Bill Fancher **Request:** To permit the construction of an approximately 37,946 square foot two-story 24-Hour Fitness health club. The existing 8,660 square foot restaurant/night club (Liquid Lounge) will be demolished. **Location:** 7887 Center Drive (north side of Center Dr., south of 405 Freeway) **Project Planner:** Paul Da Veiga

STAFF RECOMMENDATION: Motion to: "Approve Negative Declaration No. 05-01 and Conditional Use Permit No. 05-15 with suggested findings and conditions of approval."

Paul Da Veiga, Associate Planner, gave a presentation that included an aerial view of the existing restaurant (to be demolished), and the designated parking areas.

The Commission made the following disclosures:

- Commissioner Dwyer visited the site.
- Commissioner Scandura visited the subject site twice.
- Chair Dingwall advised he has visited the site many times over the years.
- Commissioner Livengood visited the site and spoke with staff.
- Commissioner Horgan visited the site and spoke with staff.
- Commissioner Ray visited the subject site on many occasions and spoke with staff.
- Commissioner Burnett visited the site and spoke with staff.

Horgan asked about an area on the site, which was possibly a maintenance entrance, and also about adequate parking spaces for the facility.

Da Veiga advised the project has adequate parking based on the parking study submitted by the applicant.

Discussion ensued regarding the following issues:

- Adequacy of parking and the current parking restrictions within the subject structure.
- The original parking agreement of 1976, an updated agreement from 1979, and a more recent reciprocal parking plan between Old World and One Pacific Plaza from 2003.
- Safety of barriers currently set up within the structure
- Adding an additional entrance/exit for better traffic flow

Dingwall asked if an inspection of the parking area was done on sight and if the barriers, gates and restricted parking areas were observed at that time.

Kyle Mayberry of Linscott & Greenspan Engineers advised that the study was done on sight. Barriers and gates were viewed and restricted parking was considered during the review.

The Commission expressed concern over the barriers and the need for a parking plan to manage the parking situation.

Da Veiga stated that the parking management plan is being written in detail and the restricted spaces will be reviewed prior to approval.

THE PUBLIC HEARING WAS OPENED

Bill Fancher, applicant, spoke in support of the item. He discussed how the proposed project meets City standards and suggested that the parking management plan be resolved after the project has been approved.

Jennifer Blanchart, The Muller Company, who manages the parking structure, spoke in support of the item. She advised there are 432 spaces available during the day for visitor parking which will include the opening of gates leading to the lower level ramp. She suggested 2-hour parking spaces instead of 30 or 60 minutes. She also suggested the placement of speed bumps and lighted walkways to protect pedestrians.

James Burgard, owner of Old World, said that people will park at Old World regardless of the parking structure and that Old World is supposed to have reciprocal parking at the structure. He objected to the project based on the lack of parking and stated there were no restrictions in the original parking agreement.

Philip Larscham, an owner in Old World, stated that the second parking agreement (1979) was illegally signed. Covenants, Conditions and Restrictions (CC and R's) for Old World state that the board cannot commit to anything over one year in length and demand a vote of 75% of the ownership. There should not be any fees for Old World patrons.

Donna Burgard, owner of Old World, referred to the reciprocal parking agreement and stated that she received a parking ticket when she parked in the structure. The parking personnel were unaware of any reciprocity between Old World and the structure.

Marie Tran-owner/tenant in Old World, stated she represented five other owners. She advised there was a deficiency in the shared parking analysis and recommended that additional analysis and study be done. She also stated that the amendment in 1979 was not approved by the city. She requested the issue be deferred.

Yvonne Roffer, Old World Homeowners Association, reported that the Fischer parking report took six months to complete in 1975 and perhaps this report needs to be looked at longer. She spoke of the expansion of units and that it may cause more people parking in the lots and that Oktoberfest impacts the area. She also suggested more security policing the Old World lot and enforcing the limited parking spaces.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Discussion ensued regarding the parking restrictions on Old World and the amount of spaces within the parking structure. Staff advised that some of these issues might conflict with the 2003 Old World Parking Management Plan, which was approved by the Planning Commission.

Dingwall presented some photos of restrictive signs in the area and suggested the parking be conducted on a communal group concept using different times, etc.

Ray commented regarding the barriers within the structure. Fire Marshall Engberg advised that he will go to the site and analyze the barriers according to code and if they do not comply it would become a Code Enforcement issue.

Da Veiga pointed out that reciprocal parking is not germane to the review of the 24-Hour Fitness project as there is adequate parking based on the findings in the shared parking study.

Fauland reiterated that the parking management plan between Old World and Pacific Plaza is in place with reciprocity according to the 2003 agreement. He stated that staff could assist with making sure the agreement is complied with and suggested that the plan could be approved with modifications prior to the issuance of the building permit.

Discussion ensued regarding the modifications of the parking plan prior to approval of the permit.

Livengood recommended the project be approved with modifications and compiled a list of recommended conditions with input from the other Commissioners.

- Installation of a southeast pedestrian entrance with handicap access
- A minimum of 201 general parking spaces on the first and second levels for the project
- All surface parking to be general visitor parking
- Remove barriers and gates from the structure
- Clearly mark visitor and designated tenant parking
- Proper signage for valet parking at nearby restaurant
- Approval by Fire and Police Department personnel
- Not conflict with Old World parking management plan

**A MOTION WAS MADE BY SCANDURA, SECONDED BY BURNETT TO APPROVE
CONDITIONAL USE PERMIT NO. 05-15/NEGATIVE DECLARATION NO. 05-01 (24-
HOUR FITNESS) WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL,
BY THE FOLLOWING VOTE:**

AYES:	Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES:	None
ABSENT:	None
ABSTAIN:	None

MOTION APPROVED

FINDINGS FOR APPROVAL - NEGATIVE DECLARATION NO. 05-01:

1. Negative Declaration No. 05-01 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of twenty (20) days. Comments received during the comment period were considered by the Planning Commission prior to action on Negative Declaration No. 05-01 and Conditional Use Permit No. 05-15.
2. Standard code requirements avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur.
3. There is no substantial evidence in light of the whole record before the Planning Commission that the project will have a significant effect on the environment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-15:

1. Conditional Use Permit No. 05-15 for the establishment, maintenance and operation of a two-story, 37,946 square foot 24-Hour Fitness health club within One Pacific Plaza, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed use will not impact existing on-site shared parking based on the divergent parking needs for existing land uses as identified in an updated shared parking analysis provided by a consultant for the applicant.
2. The conditional use permit will be compatible with surrounding uses. The subject land use is appropriate at the proposed location because the site is easily accessible by major roadways and anticipated traffic will not impact local streets, and adequate shared parking will be provided based on an updated shared parking analysis. The proposed use will be compatible with the adjacent office uses and surrounding uses as it promotes mixed-use within the center and provides a recreation amenity for employees, visitors, and residents of the surrounding area.
3. The proposed facility will comply with the provisions of the base district and other applicable provisions in the North Huntington Center Specific Plan (SP-1) and Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The HBZSO allows for a reduction in parking requirements when it can be demonstrated through a shared parking analysis that adequate parking within a commercial center can be provided based on the divergent parking needs of individual uses. The shared parking analysis, submitted by Linscott, Law, and Greenspan, concluded that adequate parking will be provided on-site
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp (Mixed Use – specific plan) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

LU 4.2.1: Require that all structures be constructed in accordance with the requirements of the City's building and other pertinent codes and regulations; including new, adaptively reused, and renovated buildings.

LU 10.1.4. Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

LU 10.1.17 Require the inclusion of uses and elements that contribute amenities for visitors, such as public activity areas and onsite recreational facilities (health clubs, spas, etc.).

LU 13: Achieve the development of a mix of governmental, service, institutional, educational, and uses that support the needs of Huntington Beach residents.

LU 13.1: Provide for the continuation of existing and development of new uses, such as governmental, administrative, public safety, human service, cultural, educational, and other uses that support the needs of existing and future residents and businesses.

LU 13.1.2: Allow for the continuation of existing and development of new facilities in any land use zone where they are compatible with adjacent uses and subject to City review and approval.

The establishment of the 24-Hour Fitness health club promotes re-use of a prior restaurant/night club site in a manner that will be consistent with the aforementioned goals and objectives of the City's General Plan. The project is consistent with General Plan Land Use goals, objectives and policies, which encourage additional recreational amenities such as health clubs and advocate development of new facilities where they are compatible with adjacent uses.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 05-15:

1. The site plan and floor plans received and dated January 12, 2006, shall be the conceptually approved layout with the following modifications:
 - a. A pedestrian access way shall be provided through the southeast portion of the parking structure. Pedestrian access shall not conflict with vehicular ingress/egress from the parking structure. **(PC)**
 - b. The horizontal reveals shall be smooth textured stucco to match the color of the exterior of the building as identified on the colored elevations as "P-1". **(DRB)**
 - c. All glazing shall be recessed from the exterior façade of the building to the maximum extent possible. **(DRB)**
 - d. The blank façade portion of the building along the southerly elevation shall be treated with a smooth exterior plaster finish up to approximately half of the height of the building. The smooth plaster element shall project a minimum of 12 inches from the face of the building and match the color of other smooth plaster elements on the north elevation. **(DRB)**

- e. The size of the parapet return, as depicted on the northerly elevation, shall be minimized in length by 15 feet as modified on the colored elevations dated January 12, 2006. **(DRB)**

2. Prior to issuance of building permits, the following shall be completed:

a. A Parking Management Plan, approved by the property owner, shall be submitted for review and approval by the Planning Department. Said plan shall depict designated (tenants/employees/guest /customers/carpooling) parking space locations and be consistent with the approval of CUP No. 05-15. The PMP shall incorporate the following:

- 1) A minimum of 201 visitor parking spaces shall be provided on the first and second level, southeasterly portion of the parking structure. These spaces shall have a time restriction of one to two hours in duration.
- 2) All physical barriers, including concrete barriers and parking control gates shall be removed from the parking structure.
- 3) Directional signage to direct patrons to available self-park and valet parking areas shall be provided throughout the site.
- 4) There shall be no restrictions on parking spaces within the field of on-site shared parking after 4 p.m., seven days a week.
- 5) All parking spaces shall be clearly marked to identify use limitations.
- 6) All surface level parking spaces within the field of shared parking shall be designated and clearly identified as general visitor parking.
- 7) The One Pacific Plaza PMP shall be consistent with the Old World Village PMP dated August 26, 2003.

3. A review of the use shall be conducted by the Planning Commission with a report within six (6) months of the issuance of Certificate of Occupancy to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance. At that time the Planning Commission may consider modifications to the conditions of approval.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED JANUARY 10, 2006

RECOMMENDED ACTION: Motion to: "Approve the January 10, 2006, Planning Commission Minutes as amended."

A MOTION WAS MADE BY RAY, SECONDED BY SCANDURA, TO APPROVE THE JANUARY 10, 2006, PLANNING COMMISSION MINUTES AS MODIFIED, BY THE FOLLOWING VOTE:

AYES: Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: Burnett

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS – None.

E. PLANNING ITEMS

E.1. CITY COUNCIL ACTION FROM PREVIOUS MEETING

Scott Hess, Planning Manager – reported on the Planning Department items heard before the City Council on February 6, 2006

E2. CITY COUNCIL ITEMS FOR NEXT MEETING

Scott Hess, Planning Manager – reported on the Planning Department items scheduled before the City Council on February 21, 2006.

E3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Herb Fauland, Principal Planner – reported on the items scheduled for Study Session only on February 28, 2006.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – None.

F-2. PLANNING COMMISSION COMMENTS

Commissioner Dwyer – Thanked his wife for her support of his attendance at these meetings.

Commissioner Scandura – Thanked the staff and wished his wife and children a happy Valentine's Day.

Commissioner Dingwall – None.

Commissioner Ray - Thanked the staff, applicant and members of the public who attended the meeting. Wished a happy Valentine's Day to his wife and thanked all of the Commission and staff's spouses for allowing them to attend the meeting.

Commissioner Livengood – Thanked the staff for their professionalism this evening.

Commissioner Burnett – Thanked the Shipley Nature Center for the superb job that they do and encouraged people to visit. She also commended the City Clerk's Office for their implementation of the new web cast of the City Council meetings. Burnett wished her husband and children a happy Valentine's Day.

Commissioner Horgan – None.

ADJOURNMENT:

Adjourned at 10:25 p.m. to the next regularly scheduled meeting of Tuesday, February 28, 2006.

APPROVED BY:

Howard Zelefsky, Secretary

Robert Dingwall, Chair